Remarks

In the Claims

Claim 1 has been amended and Claims 2-20 have been added. Thus, claims 1-20 are currently pending.

In the Specification

In accordance with the requirement in the office action to submit a substitute specification under 37 CFR 1.125(a), please substitute the attached specification for the specification originally filed with this application. Pursuant to 37 CFR 1.125 (b), the substitute specification contains no new matter. A marked-up version of the substitute specification is also attached.

The office action also requires a new declaration under 37 CFR 1.67. Applicants respectfully point out that the declaration, as filed, complies with 37 CFR 1.63(d) because the declaration submitted in the present application was contained in a prior nonprovisional application, filed by all or by fewer than all the inventors named in the prior application, and the present submission contains no new matter. Therefore, a new declaration is not required.

In the Drawings

The substitute specification now indicates the content of the objected drawings (Figs. 2B, 4, 6, 7A, 7B, 11a, 11b, 12A, 12B, and 13). Figures 14a, 14b, and 14c have been deleted. Figure 3 is now on a separate sheet. Applicants have thus addressed all objections to the drawings.

Claim Rejections

Claim 1 was rejected under 35 USC 102 as being anticipated by Fukui and as being anticipated by Soon-Shiong. This rejection is obviated by the claim amendment, however, because neither Fukui nor Soon-Shiong teach a method for encapsulating at least one islet cell, which is already encapsulated in a microcapsule. Further, the present invention encapsulates at least one islet cell, and does not teach immobilizing enzymes or microbial cells as taught in Fukui.

Likewise, claim 1 is further nonobvious under 35 USC 103 in view of the claim amendment. Claim 1 was rejected as being obvious over Kaetsu in view of Fukui. Kaetsu does not teach adding photoinitiators to the aqueous solution or having the "physiologically active substance" first contained in a microcapsule. Fukui teaches photopolymerization, but in the context of a method for immobilizing enzymes or microbial cells, not in the context of encapsulating a specific type of animal cell, an islet cell, as is taught in the present invention. Fukui also does not teach encapsulating the immobilized enzymes or microbial cells that have already been encapsulated in a microcapsule. There is no motivation or suggestion to encapsulate material first encapsulated in a microcapsule in either invention. Thus, this rejection is not applicable.

Conclusion

In light of the foregoing amendments and remarks, Applicants believe that this application is in position for allowance respectfully request favorable action. If anything can be done to speed the issuance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
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By: _____
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Marked-Up Version of the Claim

1. (Amended) A method of [for] encapsulation of at least one islet cell [biological material], comprising the steps of:

d) creating a mix of [mixing] the at least one islet cell, which is first encapsulated in a microcapsule, [the biological material] in an aqueous macromer solution comprising macromer and photoinitiator;

e) forming small globular geometric shapes of the mix [in (a)]; and

f) polymerizing the macromer by exposing the geometric shapes to light radiation.